

**PLANNING AND ZONING COMMISSION
STAFF REPORT**

June 5, 2014



Planning Variance case no. PV14-03: Diane and Joshua Lorden

CASE DESCRIPTION: a request for approval of a 55-foot variance from the minimum 200-foot lot depth generally required for lots in Retail (C-2) zoning districts, to allow the creation of a lot proposed to be only 145 feet in depth

LOCATION: 2208 Finfeather Road at the west corner of Finfeather Road and Stuart Street, being Lot 1 in Block 1 Ferrara's Addition

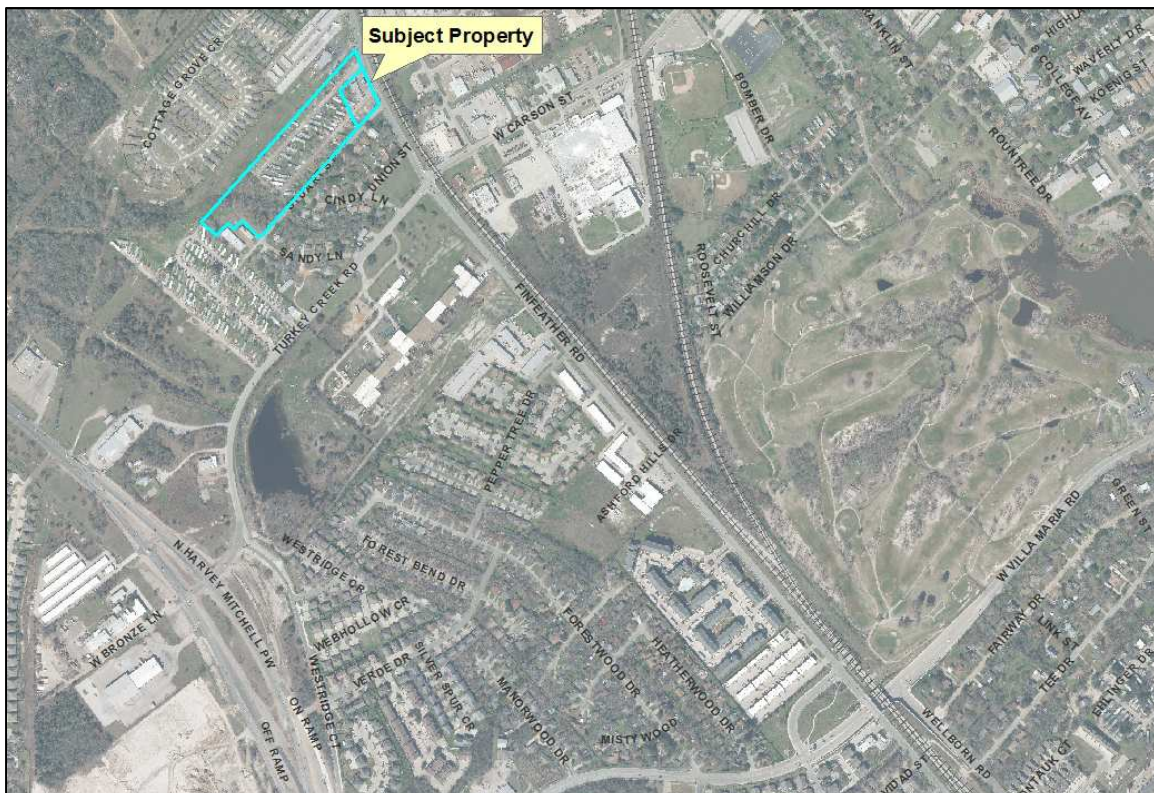
EXISTING LAND USE: Retail Store / Manufactured Home Community – RV Park

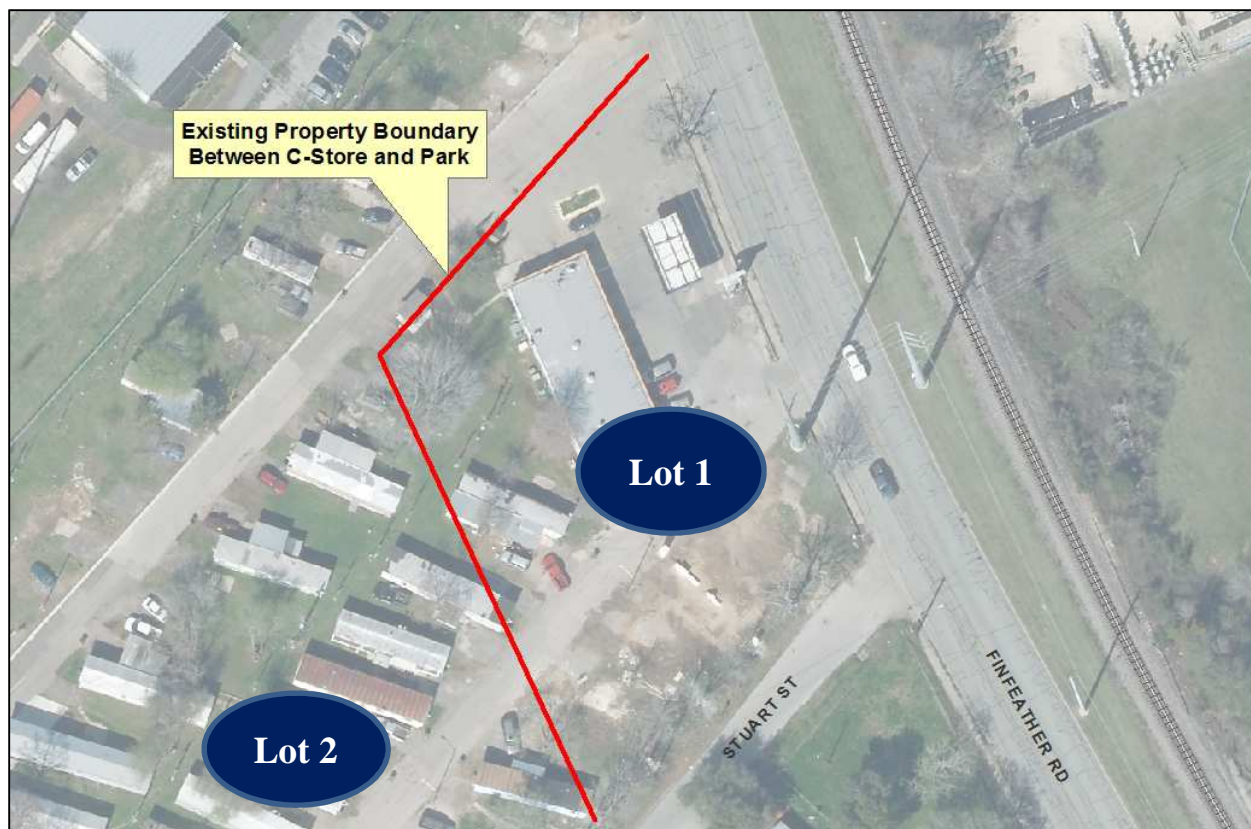
APPLICANT(S): Joshua and Diane Lorden

AGENT: Diane Lorden

STAFF CONTACT: Randy Haynes, Senior Planner

SUMMARY RECOMMENDATION: Staff recommends **approving** the requested variance.





BACKGROUND:

Ferrera's Addition was originally platted in 1973 by Fred J. Ferrara. It was a one lot subdivision that ultimately contained a mini storage facility, a convenience store and a mobile home park. Upon the sale of the businesses and property in 2006, the new owners re-platted Ferrara's Addition into three lots, one for each existing use. At that time, a lot conforming to the minimum depth standards of the ordinance was drawn around the convenience store despite the fact that the boundary did not reflect the actual land use as arranged on the ground.

The applicants, Diane and Joshua Lorden, are requesting a variance from the minimum 200-foot lot depth that is generally required for lots zoned Retail District (C-2), to allow the creation of a new lot (Lot 1R) which is proposed to be only 145 feet in depth on property at 2208 Finfeather Road at the west corner of Finfeather Road and Stuart Street. The Lordens own and operate Tesera Mobile Home/RV Park that is located on Lot 2 in Block 1 of Ferrara's Addition. Lot 1 is occupied by a convenience store and owned by CSN Financials, Inc. The two property owners are working together to adjust the boundary between existing Lots 1 and 2 so that the two platted lots reflect the actual use of the land which is also proposed to reflect the actual ownership of the land. In other words, the Lordens are planning on purchasing a portion of existing Lot 1 of Ferrara's Addition where the convenience store is located to integrate that land with their ownership of the existing mobile home/RV park.

The minimum lot dimension standards included in the Land and Site Development Ordinance (Bryan Code of Ordinances Chapter 62) require that lots in a C-2 District be at least 100 feet wide, 200 feet deep and have a minimum total area of 20,000 square feet. Because the proposed new Lot 1R does not meet the minimum 200-foot lot depth requirement, the Lordens have requested a variance from that standard so that the proposed realignment of lot boundaries can be approved by the City (Amending Plat case no. AP14-02). Lot 1R is proposed to be 193.7 feet wide and have a maximum depth of 145.38 feet. The total area of the proposed new Lot 1R will be 22,340 square feet, which is more than the minimum 20,000 square feet generally required for lots in C-2 zoning districts.

COMPREHENSIVE PLAN:

The City of Bryan adopted the Comprehensive Plan Update in 2007. The plan is the framework for the establishment of zoning and other regulatory tools. The current plan includes policies and recommendations related to the various physical aspects of the community. These aspects are supported by a set of goals and objectives. The Planning and Zoning Commission shall consider the following when making a decision regarding this variance request:

GOAL #2: Facilitate orderly, efficient and attractive development, redevelopment and infill.

Objective A: Provide for an efficient development process.

***Action Statement 1:* Reevaluate the current zoning code to identify inconsistencies and impediments to development.**

***Action Statement 2:* Develop specific requirements for contextual infill and redevelopment in existing neighborhoods and commercial areas.**

ANALYSIS:

The Planning and Zoning Commission may authorize a variance from minimum lot depth standards stipulated in the Land and Site Development Ordinance. No variance shall be granted unless the Planning and Zoning Commission finds that all of the following criteria are met:

1. That there are special circumstances or conditions affecting the land involved such that the strict application of the provisions of this ordinance would deprive the applicant of the reasonable use of his land;

Minimum lot depth requirements are intended to help ensure that all lots created for development are of sufficient size and shape to facilitate development. In this particular case, the new Lot 1R is proposed to actually encompass the land that has for many years served the existing convenience store. However, the proposed lot does not meet the minimum 200 foot lot depth requirement. The applicant has requested a variance from the minimum lot depth for this new lot in order to subdivide the tract in a manner accurately reflecting the existing use. Staff contends that although the proposed lot only has a depth of 145 feet, the new lots extraordinary width (193 feet) and overall lot area (22,000+ square feet) can successfully compensate for a reduced lot depth. The lot has been developed with convenience store facilities, including a gas canopy and parking and maneuvering areas for many years. Even if the property were to completely redevelop, the new Lot 1R would still provide sufficient room for modern commercial development, despite a reduced lot width.

2. That the variance is necessary for the preservation and enjoyment of substantial property rights of the applicants;

Staff believes that creation of the lot of substandard depth will still allow for the reasonable continuation of current and future commercial activity on proposed Lot 1R.

3. That the granting of the variance will not be detrimental to the public health, safety or welfare or injurious to other property or public facilities in the area;

Staff contends that the requested variance, in this particular case, will have no detrimental effect on the public health, safety or welfare of other properties in the area.

4. That the granting of the variance will not have the effect of preventing the orderly development of the applicant's land and/or land in the vicinity in accordance with the provisions of this ordinance.

Staff contends that granting this variance, in this particular case, will not have any adverse effect on development of this or any other property in the area and that approving this variance will not prevent the orderly development of land in this vicinity. Approval of this lot depth variance will allow the continued use and orderly development of urban land in this vicinity..

RECOMMENDATION:

Staff recommends **approving** this requested variance.